<u>REMARKS</u>

Applicants have cancelled claim 15, added claim 23, and amended claims 1, 3, 4, 5, 12, and 13.

The Examiner's rejections under 35 U.S.C. § 102(e) and 103(a) are respectfully traversed. Reconsideration of this application and prompt allowance are respectfully requested.

Claim 15 has been cancelled so the rejection is moot.

The Examiner rejected claims 1, 6-11, and 16-21 as being unpatentable over Perras in view of Jayapalan.

<u>Independent Claims 1 and 8</u>

The examiner agreed that Perras fails to show or suggest "waiting a set time period." (Office Action, p. 4). Claim 1 is amended to remove "set," although it remains in claim 8. For waiting a time period, the examiner cited Jayapalan, with particular focus on ¶ 24. The examiner contended that there would be motivation to combine Jayapalan with Perras "to improve efficiency with establishing a PPP session by waiting a predetermined time duration for configuring users on the wireless network." It is not clear why there would be such a motivation or what would cause such a motivation, or why someone would think that a set time period would improve efficiency.

Furthermore, what is shown and described in Jayapalan is much different from waiting a time period after a registration or request and reply to allow establishment of a radio air link. In Jayapalan, such a link has already been established. As stated in ¶ 24, "the network element starts monitoring after the physical links…have been established. Thereafter, the network element inspect[s] every packet that passes through it looking for packets that contain a PPP header indicating status as a control message or a data message." If a control message is not detected, the system infers that a data message was sent, and the network element waits a configurable predetermined period of time, typically on the order of hundreds of milliseconds.

Thus, while the examiner has found some situation relating to a PPP session in which waiting takes place, there is little relationship to the waiting that is being implemented in Jayapalan and the wait time that is used in the claims of the present application. In the claims, the waiting is done in order to allow an air link to be set up before a configuration message is

sent. Even if Perras could be modified with the teaching of Jayapalan, it would not provide the teaching of the claim because in Jayapalan, the wait time only is a result of not detecting a control message and thereby assuming a data message.

Accordingly, it would not have been obvious to combine Perras and Jayapalan, and ever if they were so combined, the result would not have all the limitations of claim 1.

Claim 8 also requires "sending a signal from the packet data server to trigger the establishment of a radio air link between the base station and the mobile subscriber to allow communication between the packet data server and the mobile subscriber." Perras fails to show or suggest this limitation because Perras does not describe any steps prior to the PPP connection is established in 20. Even if the Examiner considered the airwaves or radio air interface 37 to be the radio air link, Perras fails to mention what triggers the establishment of the radio air interface.

Perras is silent about how the link is established and any signaling prior to the establishment of Perras' link 20. Even if the Examiner used the radio air interface 37 of Perras to show the radio air link of claim 15, Perras still fails to disclose "a signal indicating that a radio air link has been successfully established" because Perras does not describe how the radio air interface 37 is established.

Independent Claims 16 and 19

Independent claims 16 and 19 require (italics added):

delaying transmission of a *configuration request signal for a Point-to-Point Protocol (PPP) connection setup* from the data packet server module to the mobile subscriber (claim 16);

said packet data server including a processor that triggers the establishment of the radio air link and attempts sending a *link configuration request* signal over said communication network responsive to an indication that said radio air link is ready to carry said *link configuration request* signal to said mobile subscriber *to establish a first Point-to-Point Protocol (PPP) connection* (claim 19).

For at least the same reasons mentioned above, Perras fails to show or suggest "delaying transmission of a configuration request signal for a Point-to-Point Protocol (PPP) connection setup" as claim 16 requires. Perras is silent about any communications between mobile node 36 and PDSN 40 before Perras' PPP link 20 is established (Figure 2). There is no "configuration

request signal" to setup a PPP connection in Perras, and Perras discloses a PPP timer 41 after the establishment of a PPP connection. This is in contrast to claim 16 which requires "waiting to transmit a configuration request signal" for a PPP connection setup.

Further, Perras fails to show or suggest "sending the configuration request signal to the mobile subscriber after a triggering event."

For at least the forgoing reasons, applicants respectfully request that the rejection be removed from independent claims 1, 8, 15, 16 and 19, and that these claims be placed in a condition for allowance.

Dependent Claims are Allowable

Applicants respectfully submit claims 3-7, 9-13, 17-18, and 20-22 each of which depend from one of independent claims 1, 8, 16, or 19 are allowable at least for the same reasons given above. New claim 23 is allowable at least for the same reasons as claim 1. For at least the foregoing reasons, applicants respectfully request the Examiner's rejection be withdrawn and the claims be allowed.

Authorization

The Director is hereby authorized to charge any additional fees, which may be required for this amendment, or credit any overpayment to Deposit Account No. 08-0219.

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Director is requested to grant a petition for that Extension of Time which is required to make this Reply timely, and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

Date: October 29, 2009

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